

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Jose Nacacio Amu ) No. 3:10-cv-381  
Plaintiff )  
v. )  
United States of America, ) ORDER OF DISMISSAL  
Defendant )

The plaintiff Jose Nacacio Amu *pro se* has filed a second and/or successive Title 28 United States Code section 2255 motion without justification. Plaintiff was indicted by a grand jury in case number 3:97-cr-40, was convicted at trial, exhausted his direct appeal, and exhausted his habeas rights in his original section 2255 motion. He has not shown why he is entitled to this successive section 2255 motion.

Thus the Court DENIES his motion and DISMISSES this civil action.

IT IS SO ORDERED.

Signed: August 18, 2010

  
\_\_\_\_\_  
Frank D. Whitney  
United States District Judge  
